

**SENATE JOURNAL
66TH LEGISLATURE
NINTH LEGISLATIVE DAY**

Helena, Montana
January 17, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/17/2019
Correctly printed: **SB 1, SB 52, SB 88, SB 126, SB 127, SB 128, SB 129, SB 130, SJ 3.**
Correctly engrossed: **SB 5, 8, 16, 26.**
Transmitted to the House: **SB 3, SB 36, SB 62.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/16/2019
SB 8, introduced bill, be amended as follows:

1. Page 5, line 17 through line 20.

Strike: subsection (13) in its entirety

Insert: " (13) (a) A district may, for ANB purposes, include in the October and February enrollment counts an individual who is otherwise eligible under this title and who during the prior school year:

(i) resided in the district;

(ii) was not enrolled in the district or was not enrolled full time; and

(iii) completed an extracurricular activity with a duration of at least 6 weeks.

(b) Each completed extracurricular activity under subsection (13)(a) may be counted as one-sixteenth enrollment for the individual, but under this subsection (13) the individual may not be counted as more than one full-time enrollment for ANB purposes."

And, as amended, do pass.

SB 11, do pass.

SB 16, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "20-3-361,"

Insert: "20-3-362,"

2. Page 2, line 12.

Insert: "**Section 2.** Section 20-3-362, MCA, is amended to read:

"20-3-362. Powers of joint board of trustees. (1) When a joint board of trustees is

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formed as provided by 20-3-361, it shall have the power to:

- (a) jointly employ a district superintendent under the provisions of 20-4-401;
 - (b) jointly employ teachers and specialists under the provisions of 20-4-201;
 - (c) open a junior high school under the provisions of 20-6-505 if the trustees of a county high school and the trustees of an elementary district have formed a joint board of trustees;
 - (d) prescribe and administer joint administrative policy;
 - (e) jointly provide any program or service authorized under 20-3-324, including any joint provision of special education services ~~as provided in 20-7-457~~; and
 - (f) prorate all items of joint expense among the school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.
- (2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the districts."

Renumber: subsequent sections

And, as amended, do pass.

JUDICIARY (Regier, Chair):

1/17/2019

SB 64, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "40-5-272,"

2. Page 1, line 14.

Following: line 14

Insert: "**Section 1.** Section 40-5-272, MCA, is amended to read:

"40-5-272. Application for review of child support orders. (1) Upon the application of the department, the obligor, or the obligee, a support order issued by a district court of this state or by a court or administrative agency of another state, tribe, or foreign country as defined in 40-5-1002 or a previously issued administrative support order of this state may be reviewed by the department to determine whether the support order should be modified in accordance with the guidelines.

(2) Jurisdiction to conduct the review and to issue a modifying order under 40-5-273, 40-5-277, and 40-5-278 is authorized when:

- (a) this state has issued the order and the obligor and the obligee reside in this state; or
- (b) ~~jurisdiction can be obtained as provided under 40-5-231~~ this state has jurisdiction as provided under the Uniform Interstate Family Support Act.

(3) Jurisdiction to review a child support order under this section does not confer jurisdiction for any other purpose, such as custody or visitation disputes.

(4) Criteria constituting sufficient grounds for review of a child support order include:

- (a) a substantial change in circumstances as defined by administrative rules;
- (b) the need to provide for the child's health care needs, regardless of the availability of

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health insurance coverage through employment or other group insurance;

(c) a lapse of 36 months from the date that:

(i) the order was entered;

(ii) an administrative hearing was granted under 40-5-277; or

(iii) an administrative order was issued denying a modification because of the applicant's failure to meet one of the criteria described in this subsection (4); or

(d) a change in custody of the child.

(5) A party may withdraw the party's request for modification prior to the issuance of the notice described in 40-5-273. After the issuance of the notice, if a party withdraws a request for modification, the nonrequesting party may continue the modification action by filing with the department a written request to continue.

(6) The department shall make available procedures and forms that allow the obligor or the obligee to complete the review process without legal counsel.

~~(7) To the extent that they are consistent with this section, the provisions of 40-5-1008, 40-5-1012, and 40-5-1013 apply to this section."~~

Renumber: subsequent sections

3. Page 3, line 1.

Following: "(3)"

Insert: "(a)"

4. Page 3, line 5.

Following: line 5

Insert: "(b) Withholding of current support that is less than the amount of current support due all obligees must be prorated among the obligees based on the amount of current support due each obligee.

(c) Withholding of support arrears must be distributed equally among the obligor's cases."

5. Page 3, line 12.

Strike: "a"

Insert: "any"

And, as amended, do pass.

SB 82, do pass.

SB 90, do pass.

NATURAL RESOURCES (Welborn, Chair):

1/16/2019

SB 34, do pass.

SB 46, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair):

1/16/2019

SB 4, do pass.

SB 5, introduced bill, be amended as follows:

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1. Title, page 1, line 8.

Strike: "AND"

2. Title, page 1, line 9.

Following: "53-20-203, MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

Following: line 23

Insert: "(a) determine the ongoing reasonable necessity pursuant to 2-4-305;"

Renumber: subsequent subsections

4. Page 2, line 25.

Strike: "Medicaid"

Insert: "medicaid"

5. Page 3.

Following: line 12

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 7, do pass.

STATE ADMINISTRATION (Brown, Chair):

1/16/2019

SB 2, do pass.

SB 14, do pass.

TAXATION (Webb, Chair):

1/17/2019

SB 28, introduced bill, be amended as follows:

1. Page 3, line 15.

Strike: "Incremental"

Insert: "New or expanded secondary recovery"

2. Page 3, line 17.

Strike: "incremental"

Insert: "new or expanded secondary recovery"

And, as amended, do pass.

SB 42, do pass.

Without objection, committee reports were adopted.

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 135, introduced by T. Jacobson, M. Blasdel, C. Boland, E. Buttrey, B. Hamlett, J. Pomnichowski, C. Smith, referred to Taxation.

SB 136, introduced by F. Thomas, referred to Judiciary.

SB 137, introduced by S. Hinebauch, M. Lang, referred to Agriculture, Livestock and Irrigation.

SB 139, introduced by M. Lang, referred to Education and Cultural Resources.

SB 140, introduced by C. Smith, D. Ankney, J. Bahr, N. Ballance, D. Barrett, D. Bartel, B. Beard, B. Bennett, S. Berglee, M. Blasdel, K. Bogner, C. Boland, B. Brown, D. Brown, E. Buttrey, M. Caferro, J. Cohenour, M. Cuffe, W. Curdy, G. Custer, A. Doane, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, J. Ellis, J. Ellsworth, J. Fielder, S. Fitzpatrick, F. Fleming, P. Flowers, M. Funk, L. Galloway, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, J. Gross, B. Grubbs, S. Gunderson, B. Hamlett, D. Harvey, G. Hertz, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, T. Jacobson, L. Jones, J. Karjala, D. Kary, B. Keenan, K. Kelker, C. Keogh, E. Kerr-Carpenter, C. Knudsen, M. Lang, D. Lenz, R. Lynch, M. MacDonald, S. Malek, F. Mandeville, E. McClafferty, N. McConnell, W. McKamey, M. McNally, B. Mercer, T. Moore, M. Noland, A. Olsen, A. Olszewski, R. Osmundson, R. Peppers, M. Phillips, G. Pierson, J. Pomnichowski, J. Read, A. Redfield, K. Regier, V. Ricci, T. Richmond, M. Ryan, S. Sales, W. Sales, D. Salomon, D. Sands, J. Sesso, R. Shaw, D. Skees, J. Small, F. Smith, S. Stewart Peregoy, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, G. Vuckovich, P. Webb, R. Webb, S. Webber, J. Welborn, K. White, J. Windy Boy, T. Woods, D. Zolnikov, referred to Education and Cultural Resources.

The following Senate bills were introduced and read first time:

SB 138, introduced by S. Hinebauch.

SB 141, introduced by D. Barrett.

SB 142, introduced by D. Barrett.

SB 143, introduced by M. Cuffe.

The following Senate bills, previously introduced, were referred to committees:

SB 131, introduced by R. Webb, referred to Education and Cultural Resources.

SB 132, introduced by K. Regier, referred to Education and Cultural Resources.

SB 133, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.

SB 134, introduced by D. Brown, S. Malek, referred to State Administration.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 39 - Senator Fitzpatrick moved **SB 39** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 40

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, McClafferty, Pomnichowski, Smith F, Vuckovich, Webber.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 43 - Senator MacDonald moved **SB 43** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

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Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 18, 2019, the tenth legislative day. Motion carried.

Senate adjourned at 1:29 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate